



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,102	01/31/2001	Lisa S. Martin	M-9863 US DC-02830	1750
33438	7590	03/02/2006	EXAMINER	
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			JASMIN, LYNDA C	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 03/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 02 2006

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/773,102

Filing Date: January 31, 2001

Appellant(s): MARTIN ET AL.

Stephen A. Terrile
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 12, 2005 appealing from the
Office action mailed May 19, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0072986	ARAM	6-2002
6,324,522	PETERSON et al.	11-2001
6,236,901	GOSS	5-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3, 5-9, 11-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aram (2002/0072986 A1), in view of Goss (6,236,901 B1).

Claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aram in view of Goss, as applied to claims 1, 7, and 13, and further in view of Peterson et al. (6,324,522 B1).

(10) Response to Argument

Appellants first argue "Goss provides no disclosure or suggestion of a method for a manufacturer to order material." The Examiner respectfully disagrees. Goss discloses a kitting stage that is both pulled and order-driven. Further, Goss discloses a knitting unit that receives computer system components from component source 138,

which may be a warehouse, a truck delivering components just in time, or the like (col. 6, lines 4-7).

Appellants next argue "Goss does not disclose or suggest material not being ordered until the manufacturer realizes a demand." The Examiner respectfully disagrees. Goss discloses a manufacturing or assembly system for producing a variety of products, which includes a kitting stage that is both pulled and order-driven and has a kitting unit that receives product order information. Components needed for assembly are identified and pulled to build a kit. Once prepared, the kit is transferred to the assembly unit.

Appellants further argue, "Aram and Goss taken alone or in combination, do not disclose or suggest identifying a supplier or supplier logistics center to receive an order for a material based upon considering a quantity of a material available, much less ordering the material from the supplier or supplier logistic center identified to receive the order and assembling the computer system at an assembly facility from the material received at the assembly facility, as required by claim 7 and as generally required by claims 13 and 19." The Examiner respectfully disagrees. The Examiner notes that Aram discloses considering a quantity of a material via suppliers inventory of items, goods, parts and/or sub-assemblies and the like that are available from a plurality of suppliers 102 via a computer system, and considering a quantity of a material available from a plurality of supplier logistics centers via distributor 104 and further identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering of stock level held by relevant suppliers or elsewhere (see paragraph

[0109]). The Examiner further notes that Goss discloses a knitting unit that receives computer system components from component source 138, which may be a warehouse, a truck delivering components just in time, or the like (col. 6, lines 4-7).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lynda Jasmin



Conferees:

Sam Sough


Alexander Kalinowski